

Entered - 06/22/00 - sb
CL00L0383 - DIANNE C. MITCHELL

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R -1169

CLAIM OF: ANDREA MONIQUE

DUCKWORTH, KERRINGTON
DUCKWORTH AND THE ESTATE
OF RANDOLPH DUCKWORTH,
through their attorney,
Rita Tucker Williams
220 Church Street
Decatur, Georgia 30030

For damages alleged to have been sustained
as a result of a wrongful death due to a
vehicular accident on December 15, 1999 at
Interstate 75 at Interstate 285. **CONSENT AGENDA**

THIS ADVERSED REPORT IS
APPROVED

BY: *Rosalind Rubens Newell*

ROSALIND RUBENS NEWELL

ADULT CITY ATTORNEY

8/1/2000

C. T. Martin

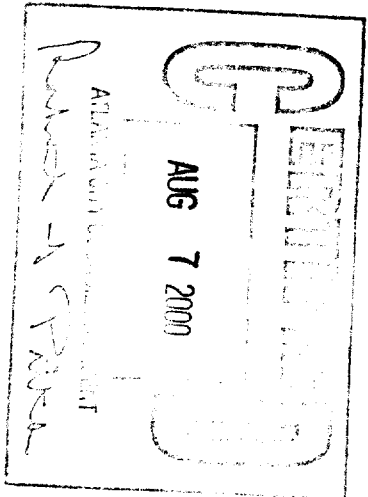
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ADVERTISED
CITY COUNCIL
AUG 07 2000

CERTIFIED
AUG 07 2000

Rita Tucker Williams
MUNICIPAL CLERK

August 29, 2000

Rita Tucker Williams
Attorney at Law
220 Church Street
Decatur, GA 30030

00-R-1169

RE: Andrea Monique Duckworth, Kerrington
Duckwovrth and The Estate of Randolph
Duckworth

Dear Attorney Williams:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on August 07, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0383

Date: July 6, 2000

Claimant /Victim Andrea Monique Duckworth, Kerrington Duckworth and the Estate of Randolph Duckworth
BY: (Atty) Rita Tucker Williams
Address: 220 Church Street, Decatur, Georgia 30030
Subrogation: Claim for Property damage \$ Bodily Injury \$ not stated
Date of Notice: 06/14/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 12/15/99 Place: Interstate 75 at Interstate 285
Department Police Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimants allege that their relative was killed by a "wrong-way driver" traveling southbound in the northbound lanes of Interstate 75. The claimants further allege that a City police officer failed to intervene and contributed to the accident. However, the City is immune from liability as set forth in O.C.G.A. §§36-33-1 & 36-33-3.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 08-06-00
Committee Action: Council Action

THE LAW FIRM OF
WILLIAMS & ARMWOOD
COMMITTED TO LEGAL EXCELLENCE
220 CHURCH STREET
DECATUR, GEORGIA 30030

(404) 370-3783

M. F. Reche
06/19/00
[Signature]
Fax (404) 370-0884

June 14, 2000

ENTERED - 6-22-00 - SB
00LO383 - DIANNE MITCHELL

VIA CERTIFIED MAIL

The Honorable William Campbell
Mayor, City of Atlanta
55 Trinity Avenue
Suite 2400
Atlanta, GA 30335

City Council, City of Atlanta
55 Trinity Avenue
Suite 2900
Atlanta, GA 30335

ANTE LITEM NOTICE

RE: Our Client:	Ms. Andrea Monique Duckworth, Kerrington Duckworth, and the Estate of Randolph Duckworth
Your employee:	City of Atlanta Police Department
Date of Accident:	12-15-99

Dear Mayor Campbell and City Counsel:

Please be advised that the law firm of Williams & Associates represents Ms. Andrea Monique Duckworth, Kerrington Duckworth, and the Estate of Randolph Duckworth. The attorney of record is Rita Tucker Williams. Please forward all correspondence and communications to our office.

Please be further advised that pursuant to O.C.G.A. sec. 36-33-5, Andrea Monique Duckworth, Kerrington Duckworth, and the Estate of Randolph Duckworth are giving notice that on December 15, 1999, Mr. Randolph Duckworth was killed in a car wreck. (See Exhibit A.) The City of

Atlanta's actions and/or inactions contributed to Mr. Duckworth's death, which makes the City of Atlanta jointly and severally liable. The City of Atlanta had a duty to warn motorists of this danger. A City of Atlanta Police officer spotted Tommy Lee Roland, the driver who collided with Mr. Duckworth, heading south in the northbound lane of the downtown connector at 10th Street in Atlanta, Georgia. **(See Exhibit B.)** Mr. Roland was allowed to travel to Clayton County with no intervention or substantial warning to innocent motorists before he collided head on with Mr. Randolph Duckworth at 4:41 a.m. Mr. Duckworth was pronounced dead at 8:30 a.m. The City of Atlanta failed to give adequate warning or to take efforts to call for assistance in a timely manner and to use procedures at their disposal to reasonably stop Mr. Roland.

The full extent of their damages are unknown at this time. However, the certain special damages are attached. **(See Exhibit C.)**

We look forward to resolving this case.

Respectfully,
Williams & Associates

Rita Tucker Williams
Enc.

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